

Remarks/Arguments:

Claims 43-54 are the pending claims in this application. With this Amendment, claims 1, 3, 4, 7, 8, 28-32, 35, 37, 42, and 55 have been cancelled without prejudice or disclaimer of the subject matter thereof.

Applicants thank the Examiner for recognizing the allowable subject matter of claims 43-54.

Information Disclosure Statement

The Information Disclosure Statement (IDS) filed on August 19, 2009 was objected to because a copy of Barry J. Cooper et al. "Role of NO in Diesel Particulate Emission Control" SAE Paper No. 890404, February 1989 was not provided. Applicants respectfully submit that this reference was provided with the IDS dated October 17, 2005. This reference was acknowledged and considered on May 1, 2009 as shown in the Office Action dated May 14, 2009. The reason this reference was provided again was because the date was inadvertently omitted on the IDS dated October 17, 2005. Accordingly, a corrected PTO/SB/08B was provided with the Cooper et al. reference including the publication date. Therefore, Applicants respectfully request that the Examiner initial the corrected copy of the PTO/SB/08B dated August 19, 2009, as the Cooper et al. reference was previously considered.

Rejections under Non-Statutory Obviousness-type Double Patenting

Claims 1, 3, 4, 28, 29, 43-45, 47 and 48 are provisionally rejected under non-statutory obviousness-type double patenting over claims 39, 42-47, and 59 of co-pending Application No.: 11/665,308. The co-pending application subsequently issued as U.S. Patent No. 7,758,832. Accordingly, a suitable terminal disclaimer has been provided herewith. Accordingly, this rejection is now moot.

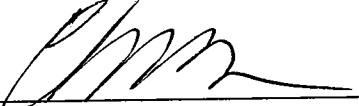
Appl. No.: 10/553,490
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JMYT-353US

Conclusion

In view of the foregoing, allowance of the pending claims is respectfully requested.

Respectfully submitted,


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